

AAdministrative
Services
Letter

07-07
**Prohibited and Restricted
Political Activities**



Signed By	/s/ Marie Stephans, Chief Administrative Services Division	Number	07-07
Distribution	All Employees	Date Issued	September 4, 2007
Subject	Prohibited and Restricted Political Activities	Expires	When Canceled
Guide Section	Labor Relations	Reference	California Government Code sections 3201 through 3209; Government Code section 8314 and the Federal Hatch Act, 5 U.S.C. 1501 et seq. Cancels ASL 84-28

State employees, like all citizens, have a constitutional right to participate in political activities, attend fund raisers, etc. as long as the political activity does not involve an improper use of State resources and are not conducted on state paid time. In their official capacity, State employees are to remain neutral in political elections. For the protection of the integrity of the California State service and the effective use of federal loans and grants, State and federal law prohibits certain political activities by State employees.

This Administrative Services Letter provides information regarding prohibited and restricted political activities on the part of California State employees.

Questions regarding the [Prohibited and Restricted Political Activities](#) should be directed to the Labor Relations Officer at (916) 323-6753.

PROHIBITED AND RESTRICTED POLITICAL ACTIVITIES

State employees, like all citizens, have a constitutional right to participate in political activities, attend fund raisers, etc. as long as the political activity does not involve an improper use of State resources and are not conducted on state paid time. State employees are free to engage in political activities away from the work place on their own time.

State employees in their official capacity are to remain neutral in political elections. For the protection of the integrity of the California State service and the effective use of federal loans and grants, State and federal law prohibits certain political activities by State employees.

Prohibited Political Activities

- (1) State employees may not display any sign, slogan, pin or other items of a partisan political nature. Posting or distribution of political partisan literature on State owned or leased property is a violation of law. Partisan political literature may not be distributed, posted, placed on employee office walls or bulletin boards, in break rooms, cafeterias, hallways, or in any public or private areas of property owned or leased by the State. Although collective bargaining agreements covering rank and file employees differ slightly in specific language, all contain a provision prohibiting the posting or distribution of partisan political literature on the job site.
- (2) Soliciting or receiving or attempting to solicit or receive any assessment, subscription, contribution or political service from any person for any political purpose, during working hours or on the premises of a State owned or leased facility is prohibited.
- (3) It is unlawful for a State employee to use or permit others to use State resources to promote a partisan position in an election or campaign. State resources, include but are not limited to State property, funds, equipment (including, but not limited to, office space, supplies, telephones, e-mail, computers, vehicles, etc.), travel, and State paid time are not to be used to promote a partisan position, perform political campaign work, or to assist a campaign organization.
 - This restriction precludes use of State resources for tasks such as the solicitation, acknowledgement or receipt of campaign contributions, the development or distribution of campaign literature, and the organization of fundraisers or similar activities.
 - Although State telephones and e-mail systems are occasionally used for communication of a personal nature, their use for such purposes is objectionable if the State incurs additional expenses or the employee's work performance is compromised. Minimal and incidental use of State telephones, fax machines or e-mail for personal matters, including limited campaign-related matters, is permissible. Extended conversations or excessive use of e-mail or fax machines regarding campaign matters however is improper, and campaign calls and correspondence should not be referred to State telephone extensions, e-mail or office addresses.

- State stationery shall not be used for correspondence relating to campaign matters. The use of State personnel to prepare campaign correspondence or to perform other tasks in any way related to partisan political purposes on State time is prohibited.
- (4) It is improper for public officers and employees to engage in political campaign activities during work time unless the officer or employee has been granted leave time.
 - (5) Travel at State expense is only permissible for State business purposes. While a State business trip may serve as an occasion for the transaction of personal business, it is improper to arrange unnecessary State business as a pretext for travel which is intended to serve a private purpose.
 - (6) Directly or indirectly, using, promising, threatening or attempting to use, the officer or employee's authority or influence (whether then possessed or merely anticipated) to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position, within the State agency, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party or upon any other corrupt condition or consideration.

In addition to restrictions on political activities imposed by State law that apply to all employees, some employees are also subject to restrictions on political activities imposed by the Federal Government as found in the Federal Hatch Act, 5 U.S.C. Section 1501 et seq. The Hatch Act applies only to those employees involved in activities of the ARB entirely or partly financed by federal grants or loans. It is not required that a substantial percentage of the employee's work be concerned with federally financed activities for that employee to be impacted by the Act. Employees who supervise and review the work of employees whose work is financed by federal funds are within the scope of the Act. The Act may not be applied to an employee whose work in connection with federally financed activities is considered negligible. Since it is difficult to determine the extent to which an individual employee is affected, it is recommended that those who are in doubt as to their status consult with the Chief Counsel prior to engaging in such activities.

ACTIVITIES PROHIBITED BY THE HATCH ACT

A State officer or employee covered under the Hatch Act may not:

- (1) use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- (2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency or person for a political purpose;
- (3) be a candidate for elective public office in a partisan election, provided that this subsection does not apply to the governor or lieutenant governor or an individual authorized by law to act as governor, the mayor of a city, a duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system, an individual holding elective office,

activity in connection with a nonpartisan election or candidacy for a position of officer of a political party convention, member of a national, State, or local committee of a political party, or any similar position.

It is not the desire of the Air Resources Board (ARB) to inquire unreasonably into the private lives of employees. However, all officers and employees are obligated to avoid activities which are clearly inconsistent with the effective performance of their duties.

An officer or employee of ARB who plans to engage in any employment, activity or enterprise which might violate these rules should submit a written request to the ARB Chief Counsel for a determination of whether the activity is permissible. The written request should include a description of the activity in sufficient detail for the Chief Counsel to determine whether the activity is permissible.